

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA, ex rel, W.A. DREW EDMONDSON, in his capacity as ATTORNEY GENERAL OF THE STATE OF OKLAHOMA and OKLAHOMA SECRETARY OF THE ENVIRONMENT C. MILES TOLBERT, in his capacity as the TRUSTEE FOR NATURAL RESOURCES FOR THE STATE OF OKLAHOMA,

Plaintiff,

v.

Case No. 4:05-CV-329-JOE-SAJ

TYSON FOODS, INC.; TYSON POULTRY, INC.; TYSON CHICKEN, INC.; COBB-VANTRESS, INC.; AVIAGEN, INC.; CAL-MAINE FOODS, INC.; CAL-MAINE FARMS, INC.; CARGILL, INC.; CARGILL TURKEY PRODUCTION, LLC.; GEORGE'S, INC.; GEORGE'S FARMS, INC.; PETERSON FARMS, INC.; SIMMONS FOODS, INC.; and WILLOW BROOK FOODS, INC.,

Defendants.

UNOPPOSED MOTION FOR EXTENSION OF TIME

COME NOW the Defendants Tyson Foods, Inc.; Tyson Poultry, Inc.; Tyson Chicken, Inc.; Cobb-Vantress, Inc.; Cal-Maine Foods, Inc.; Cal-Maine Farms, Inc.; Cargill, Inc.; Cargill Turkey Production, LLC; George's, Inc.; George's Farms, Inc.; Peterson Farms, Inc.; Simmons Foods, Inc. and Willow Brook Foods, Inc. (collectively "Defendants"), pursuant to Fed.R.Civ.P. 7(b) and Local Civil Rule 7.1(g), and respectfully request that this Court issue an Order extending until October 3, 2005, the time in which to file responses to Plaintiff's First Amended Complaint. In support of this Motion, Defendants would show the Court as follows:

1. Defendants are presently required to file responsive pleadings to Plaintiff's First Amended Complaint on or about September 12, 2005.
2. To foster coordination and efficiency among all parties, Defendants request that the

deadline for Defendants to respond to Plaintiff's First Amended Complaint be set twenty (20) days after the filing deadline for Tyson Foods, Inc.; Tyson Poultry, Inc.; Tyson Chicken, Inc. and Cobb-Vantress, Inc., or until October 3, 2005.

3. This is the first request for an extension of time sought by Defendants and it is sought in good faith and not for the purpose of delay. Counsel for Defendants need additional time in which to complete their review and investigation of Plaintiff's claims, confer with client representatives and prepare and file appropriate responses.

4. This action is not presently set for trial and, consequently, granting this Motion will not delay or adversely affect any trial date.

5. The undersigned counsel is authorized to state that counsel for the Plaintiff has agreed to the requested extension for Defendants. *See* Exhibit "A" attached hereto.

6. The undersigned counsel has been authorized to make this motion to the Court on behalf of all Defendants.

WHEREFORE, Defendants request that this Court grant Defendants' Unopposed Motion for Extension of Time and this Court enter an Order requiring Defendants to file their responsive pleadings on or before October 3, 2005.

Respectfully submitted,

/s/ Stephen L. Jantzen

STEPHEN L. JANTZEN, OBA # 16247
RYAN, WHALEY & COLDIRON, P.C.
119 N. ROBINSON
900 ROBINSON RENAISSANCE
OKLAHOMA CITY, OK 73102
Telephone: (405) 239-6040
Facsimile: (405) 239-6766
E-Mail: sjantzen@ryanwhaley.com
ATTORNEYS FOR TYSON FOODS, INC.;
TYSON POULTRY, INC.; TYSON CHICKEN,
INC; AND COBB-VANTRESS, INC.
(Authorized to move for this extension on
behalf of all Defendants)

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of September, 2005, I electronically transmitted the foregoing document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

W. A. Drew Edmondson Office of Attorney General State of Oklahoma 2300 N. Lincoln Blvd, Suite 112 Oklahoma City, OK 73105	David Phillip Page James Randall Miller Louis Werner Bullock Miller Keffer & Bullock 222 S KENOSHA TULSA, OK 74120-2421
Douglas Allen Wilson Melvin David Riggs Richard T. Garren Sharon K. Weaver Riggs Abney Neal Turpen Orbison & Lewis 502 W 6th St Tulsa, OK 74119-1010	Elizabeth C Ward Frederick C. Baker Motley Rice LLC 28 Bridgeside Blvd Mount Pleasant, SC 29464
Robert Allen Nance Dorothy Sharon Gentry Riggs Abney Neal Turpen Orbison & Lewis 5801 N Broadway Ste 101 Oklahoma City, OK 73118	William H. Narwold Motley Rice LLC 20 Church St., 17th Floor Hartford, CT 06103

/s/ Stephen L. Jantzen

STEPHEN L. JANTZEN